

**CHAITMAN LLP**  
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Hearing Date: March 23, 2016  
Hearing Time: 10:00 a.m.

Objection Date: March 9, 2016

*Attorneys for Defendants on Exhibit A annexed  
hereto*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC

Plaintiff,

v.

DEFENDANTS LISTED ON EXHIBIT A  
ANNEXED HERETO,

Defendants.

Adv. Pro. Nos. on Exhibits A  
annexed hereto

**NOTICE OF MOTION FOR AN ORDER DISMISSING THE COMPLAINTS  
PURSUANT TO FED. R. CIV. P. 37(b). 41(b) BASED UPON THE TRUSTEE'S  
WRONGFUL CONDUCT AND TO QUASH SUBPOENA AND FOR THE ENTRY OF A  
PROTECTIVE ORDER**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Helen Davis Chaitman, Esq. and exhibits thereto, and the Declaration of James Lawrence, and on such other and further arguments as may be presented prior to and at the hearing on the motion, the Defendants listed on Exhibit A annexed hereto by their undersigned counsel, will move for an order dismissing the complaints pursuant to Fed. R. Civ. P. 37(b), 41(b) based upon the wrongful conduct of the Trustee, Irving H. Picard, and to quash subpoena and for the entry of a protective order, before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004, on March 23, 2016 at 10:00 a.m.

Dated: New York, New York  
February 25, 2016

**CHAITMAN LLP**

By: /s/ Helen Davis Chaitman  
Helen Davis Chaitman  
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*Attorneys for Defendants listed on Exhibit A  
to Notice of Motion*

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**EXHIBIT A**

<b>Adv. Pro. No.</b>	<b>Defendants represented by Chaitman LLP</b>
10-04292	Robert Roman
10-04302	Joan Roman
10-04321	Herbert Barbanel, and Estate of Alice Barbanel, and Herbert Barbanel, in his capacity as the Personal Representative of the Estate of Alice Barbanel
10-04327	Gertrude E. Alpern Revocable Trust, Robert Schwartz Trust, Paul Alpern Residuary Trust, Lewis Alpern, in his capacity as successor trustee of the Gertrude E. Alpern Revocable Trust, as executor of the estate of Gertrude E. Alpern, and in his capacity as trustee of the Paul Alpern Residuary Trust, The Estate of Gertrude E. Alpern, Jane Alpern, as beneficiary of the Gertrude E. Alpern Revocable Trust, Jonathan Schwartz, as beneficiary of the Gertrude E. Alpern Revocable Trust, and Roberta Schwartz, as beneficiary of the Gertrude E. Alpern Revocable Trust, as settler and beneficiary of the Roberta Schwartz Trust, and in her capacity as trustee of the Roberta Schwartz Trust
10-04324	Barbara Roth, Estate of Mark William Roth, and Barbara Roth, in her capacity as personal representative of the Estate of Mark William Roth
10-04328	David Shapiro Nominee, and David Shapiro, individually and as president and nominee of David Shapiro Nominee
10-04325	David Shapiro Nominee 2, and David Shapiro, individually and as president and nominee of David Shapiro Nominee 2

<b>Adv. Pro. No.</b>	<b>Defendants represented by Chaitman LLP</b>
10-04314	David Shapiro Nominee 3, and David Shapiro, individually and as president and nominee of David Shapiro Nominee 3
10-04305	David Shapiro Nominee 4, and David Shapiro, individually and as president and nominee of David Shapiro Nominee 4
10-04898	Helene Saren-Lawrence
10-04995	Trust U/ART Fourth O/W/O Israel Wilenitz, Evelyn Berezin Wilenitz, individually, and as Trustee and Beneficiary of the Trust U/ART Fourth O/W/O Israel Wilenitz, and Sara Seims, as Trustee of the Trust U/ART Fourth O/W/O Israel Wilenitz,